

Fresno, California

March 6, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Henry Perea	Council President
Absent:	Blong Xiong	Acting Council President (III)

Andy Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Associate Pastor Scott Hamilton of the Calvary Community Church gave the invocation, and President Perea led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER WESTERLUND

Not presented when called.

PRESENTATION OF AWARDS CERTIFICATES TO FRESNO AREA EXPRESS BUS DRIVERS - CITY MANAGER'S OFFICE

Read and presented.

PROCLAMATION OF "PETE ESPINOZA, SR. DAY" - COUNCILMEMBER DAGES

Read and presented.

APPROVE MINUTES OF FEBRUARY 27, 2007:

Continued to March 13, 2007.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: (1) Requested an update on the status of the Hotel Fresno and stated the building was very unattractive. City Attorney Sanchez stated there would be a contempt action against Hotel Fresno issued for not complying with the court order. Councilmember Calhoun stated his office was very willing to assist in addressing the issue and requested options be provided to Council to move forward with a solution. (2) Advised of the low attendance from the Planning Commission members at their meetings and requested an attendance record be provided at the next council meeting for discussion. Mr. Calhoun stated he had several candidates in mind and would submit the names to the Mayor's Office.

COUNCILMEMBER STERLING: (1) Stated she attended a function last Saturday at the Selland Arena and over 6,000 basketball fans attended and the total for Friday and Saturday attendance was over 12,000. (2) Congratulated Edison High School's Boys and Girls Basket ball teams for winning the valley title Friday night. (3) Questioned why there were no signs to welcome visitors to the downtown area.

COUNCILMEMBER DUNCAN: (1) Stated last summer KSEE 24 and Jennifer Bryce did a series on the Fire Department called "Code Red" and congratulated Ms. Bryce for receiving an associated press award for the story. (2) Questioned when a workshop could be scheduled to discuss the downtown riverwalk and City Manager Souza stated the item would be scheduled for either the March 20 or March 27th Council

meeting. (3) Stated he had posted on District 6's web page information regarding a proposal to build a 10,000 square foot Benny Hanna Restaurant with a 200 car stall in Riverpark and expressed concern stating that something of that magnitude needed to have the public involved.

COUNCILMEMBER WESTERLUND: (1) Stated over the weekend he attended the Home and Garden show at the fairgrounds which was a successful event (2) Questioned the status of the Mayor's "Must Win" list with Mr. Souza stating the list would be provided today. (3) Stated he would like an item placed on the agenda for March 27th regarding a status report from the Economic Development Corporation and was informed it had been scheduled for March 20th at 10:45 a.m.

PRESIDENT PEREA: (1) Stated at the last Fresno Council of Governments (COG) meeting a discussion began to put subcommittees together to make recommendations to the Transportation Authority Board as to which projects should be funded first and his office would distribute a list to the Councilmembers.

APPROVE AGENDA:

(1-B) * APPROVE AGREEMENT BETWEEN CITY OF FRESNO AND FRESNO UNIFIED SCHOOL DISTRICT RELATING TO THE JOINT USE OF FIG GARDEN ELEMENTARY SCHOOL BASEBALL FIELD FACILITIES FOR THE PURPOSE OF PROVIDING RECREATION AND COMMUNITY SERVICES TO THE CITY OF FRESNO, AND APPROVE THE NOTICE OF EXEMPTION PURSUANT TO CEQA – PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

City Clerk Klisch announced a correction to the title should read "adopt", not approve the notice of exemption pursuant to CEQA

(1-I) RESOLUTION – ACCEPT ECONOMIC DEVELOPMENT AND NEIGHBORHOOD INITIATIVE GRANTS AWARDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD

1. * RESOLUTION - ADOPTING THE 61ST AMENDMENT TO THE AAR NO. 2006-253 APPROPRIATING \$569,200 OF FEDERAL DOLLARS

City Clerk Klisch announced the amount in the resolution appropriating funds should be corrected to read \$569,100, not \$569,200.

(1-H) * APPROVE PROPOSED AMENDMENT TO FY 2005-2007 ANNUAL ACTION PLANS TO FUND THROUGH THE HOME PROGRAM AFFORDABLE HOUSING PROJECTS OCCURRING ON N. ECHO AVENUE, N. DIANA STREET, N. SAN PABLO AVENUE, CALIFORNIA AND MAPLE AVENUES, VANNESS AND MILDREDA AVENUES, AND DELETE THE BROADWAY ROW, HOTEL FRESNO AND SUMMERSSET HOMES PROJECTS PROPOSED FOR DEVELOPMENT – FINANCE DEPARTMENT/BUDGET DIVISION

Removed from the agenda.

(1-C) AMEND GROUND LEASES COVERING THE PICCADILLY AIRPORT INN AND THE PICCADILLY EXPRESS (FORMERLY THE CHATEAU) AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT, AND COOPERATE IN LESSEE'S BORROWING AGAINST THEIR INTERESTS IN THE AMENDED LEASES BY SIGNING GROUND LESSOR'S CONSENT, ESTOPPEL CERTIFICATE AND AGREEMENTS IN FAVOR OF THE LENDING BANK – AIRPORTS DEPARTMENT

(1-G) *APPROVE TEN (10) YEAR LEASE OF RESTAURANT PREMISES IN CHANDLER AIRPORT TERMINAL TO KERRY HEDBERG DBA MAK'S LANDING – AIRPORTS DEPARTMENT

City Clerk Klisch stated the following language should be added to the two items listed above: "Pursuant to CEQA Categorical Exemption Guideline 15301 Class 1 (Existing Leases) ."

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

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(1-J) AMENDING THE FRESNO MUNICIPAL CODE REQUIRING THE INSTALLATION OF PHOTO LUMINESCENT EXIT PATH MARKING FOR BUILDINGS THREE (3) STORIES OR MORE – FIRE DEPARTMENT

1. RESOLUTION – CONSIDER AND ADOPT FINDINGS REGARDING LOCAL CLIMATIC, ECOLOGICAL OR TOPOGRAPHICAL CONDITIONS THAT SUPPORT AMENDING THE UNIFORM FIRE CODE AND UNIFORM BUILDING CODE TO REQUIRE THE INSTALLATION OF PHOTO-LUMINESCENT EXIT PATH MARKING FOR BUILDINGS WITH THREE (3) OR MORE STORIES

2. * BILL NO. B-13 (INTRO. 2/27/2007) (FOR ADOPTION) – AMENDING THE FRESNO MUNICIPAL CODE, REQUIRING THE INSTALLATION OF PHOTO-LUMINESCENT EXIT PATH MARKING FOR BUILDINGS THREE (3) STORIES OR MORE

Mike Prandini, representing the Building Industry Association (BIA) requested Item 1J be continued for two weeks to allow BIA to meet with the Fire Department to discuss the affect the ordinance would have on future single family housing units.

(1-B) * APPROVE AGREEMENT BETWEEN CITY OF FRESNO AND FRESNO UNIFIED SCHOOL DISTRICT RELATING TO THE JOINT USE OF FIG GARDEN ELEMENTARY SCHOOL BASEBALL FIELD FACILITIES FOR THE PURPOSE OF PROVIDING RECREATION AND COMMUNITY SERVICES TO THE CITY OF FRESNO, AND APPROVE THE NOTICE OF EXEMPTION PURSUANT TO CEQA – PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

Councilmember Westerlund stated he did not receive Exhibit 2 for Item 1B in his agenda packet but did obtain it from District 2.

(1-A) APPROVE THE APPOINTMENT OF WILLIAM H. LEIFER TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS – MAYOR AUTRY

(1-B) * APPROVE AGREEMENT BETWEEN CITY OF FRESNO AND FRESNO UNIFIED SCHOOL DISTRICT RELATING TO THE JOINT USE OF FIG GARDEN ELEMENTARY SCHOOL BASEBALL FIELD FACILITIES FOR THE PURPOSE OF PROVIDING RECREATION AND COMMUNITY SERVICES TO THE CITY OF FRESNO, AND APPROVE THE NOTICE OF EXEMPTION PURSUANT TO CEQA – PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

(1-C) APPROVE LEASE OF THE PICCADILLY INN AT FYI WITH ART PICCADILLY AIRPORT, LLC (THE PICCADILLY LEASE) AND TO THE LEASE OF THE ADJACENT PICCADILLY EXPRESS WITH ART PICCADILLY CHATEAU, LLC (THE CHATEAU LEASE); TO EXTEND THE TERM OF THE PICCADILLY LEASE BY 14 YEARS AND 90 MONTH FROM ITS CURRENT EXPIRATION DATE OF SEPTEMBER 30, 2029 AND EXTEND THE CHATEAU LEASE BY TEN YEARS FROM ITS CURRENT EXPIRATION DATE OF JUNE 30, 2036 (BOTH LEASES WOULD THEN EXPIRE CONCURRENTLY ON JUNE 30, 2046); WITH THE ESTABLISHED RENT FORMULA CONTINUING, WHICH CALLS FOR ANNUAL RENTAL RATE REVIEWS WITH ADJUSTMENTS WHEN CERTAIN US GOVERNMENT INDICES HAVE GROWN BY TEN PERCENT OR MORE, AND DELETING THE CURRENT FIVE-YEAR EXTENSION OPTION IN THE PICCADILLY LEASE AND THE PROVISION IN THE CHATEAU LEASE THAT REQUIRES THE CITY TO PURCHASE THE LESSEE'S IMPROVEMENTS AT THEIR FAIR CASH VALUE UPON EXPIRATION OF THE ORIGINAL TERM UNLESS THE CITY AND THE LESSEE HAVE EARLIER AGREED TO EITHER A TWENTY-FIVE YEAR LEASE EXTENSION OR A SALE OF THE REAL PROPERTY

(1-E) * RESOLUTION 2007-83 – 10TH AMENDMENT TO PAR NO. 2006-254 ADDING ONE (1) SENIOR WASTEWATER TREATMENT PLANT OPERATOR POSITION – DEPARTMENT OF PUBLIC UTILITIES

(1-F) * APPROVE AN INTERIM REQUIREMENTS CONTRACT TO POLYDYNE INC. OF RICEBORO, GEORGIA, FOR CATIONIC POLYMER IN THE AMOUNT OF \$365,000 – DEPARTMENT OF PUBLIC UTILITIES

(1-G) * APPROVE TEN (10) YEAR LEASE OF RESTAURANT PREMISES IN CHANDLER AIRPORT TERMINAL TO KERRY HEDBERG DBA MAK'S LANDING; THE RENT WOULD BE TEN PERCENT OF GROSS RECEIPTS FROM THE SALE OF BEER AND WINE IN ANY MONTH, AND FIVE PERCENT OF GROSS RECEIPTS IN EXCESS OF \$200,000 IN ANY YEAR FROM THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES AND THE LEASE WOULD BE RESPONSIBLE FOR THE MAINTENANCE AND CARE OF THE PREMISES AND FOR THE COST OF METERED UTILITIES AND EITHER PARTY COULD TERMINATE THE LEASE AT ANY TIME ON THIRTY DAYS' NOTICE TO THE OTHER PARTY – AIRPORTS DEPARTMENT

(1-I) RESOLUTION NO. 2007-84 - ACCEPT ECONOMIC DEVELOPMENT AND NEIGHBORHOOD INITIATIVE GRANTS AWARDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD

1. * RESOLUTION NO. 2007-85 - ADOPTING THE 61ST AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$569,100 OF FEDERAL FUNDS

(1-L) * BILL NO. B-15 - ORDINANCE NO. 2007-17 (INTRO. 2/27/07) (FOR ADOPTION) – AMEND SECTION 10-310 OF THE FRESNO MUNICIPAL CODE ESTABLISHING A VEHICLE IMMOBILIZATION (“BOOTING”) PROGRAM ORDINANCE – PUBLIC WORKS DEPARTMENT

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes : None
Absent : Xiong

(1-K) * BILL NO. B-19- ADOPTED - ORDINANCE NO. 2007-16 (INTRO. 2/27/2007) (FOR ADOPTION) – ADDING ARTICLE 9 TO CHAPTER 8 TO THE FRESNO MUNICIPAL CODE RELATING TO PROHIBITION AGAINST CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS AND ALLOWING OR HOSTING GATHERINGS WHERE UNDERAGE PERSONS ARE CONSUMING ALCOHOLIC BEVERAGES – COUNCILMEMBER DAGES

Councilmember Duncan stated for the record he would vote no on the above listed item.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Bill No. B-19 adopted as Ordinance No. 2007-16, by the following vote:

Ayes : Calhoun, Dages, Sterling, Westerlund, Perea
Noes : Duncan
Absent : Xiong

(9:05 A.M. “ A”) COUNCIL DISCUSSION REGARDING CITY PUBLIC RELATIONS: (COUNCILMEMBER CALHOUN)

- 1. COUNCIL AND STAFF DISCUSSION REGARDING THE PUBLIC INFORMATION RESOURCES MEMO ISSUED ON JANUARY 17, 2007**
- 2. DIRECT STAFF TO RETURN TO COUNCIL IN 60 DAYS WITH A STATUS REPORT ON THE SEPTEMBER 26, 2006, COUNCIL ACTION REGARDING THE CONTRACT APPROVAL TO ASTONE FOR PUBLICIST SERVICES**

Councilmember Calhoun stated he had received a memo dated January 17th, relating to the staffing for public information, and referenced both internal and external communication, noted there was a Public Information Officer in the City Manager’s Office, the Police Department, Fire Department and one at the Airports Department, and stated there was also external publicity with the hiring of Panagraph and Astone where the City appropriated approximately \$100,000. Mr. Calhoun stated when he became a Councilmember there was only one PIO in the Police Department and departments now have people competing with each other to get the information out to the public. He advised of his concern with the performance of Astone and questioned whether the City was overstaffed in people providing public information stated he would like to see one spokesperson for protective services as opposed to one in Police and one in Fire and requested staff return in 60 days to advise of what Astone was doing and whether the City’s money was being used appropriately.

Councilmember Duncan stated the Public Information Officers throughout the City had the responsibility of communicating to the public and were able to do things now that couldn’t have been done in the past, and noted the press seemed pleased with the service.

City Manager Souza stated it was very important to have a non-sworn person as an Public Information Officer which frees up a sworn position in the Fire Department and also the City provides press releases of upcoming activities, public record requests, and internal communications throughout departments and Astone provided information for a national outreach. Councilmember Westerlund stated the Public Information Officer gets the correct information to the public in a timely manner, felt the funding was used wisely, advised Astone had done survey work and training and was able to get the right story and information to the media, and felt no direction needed to be made.

(2-0) Councilmember Sterling stated she was on the committee with Astone , felt they were doing a good job, stated Astone informed the City they needed to promote a better image of Fresno and elaborated, adding information was being brought to the attention of the public sooner.

Mr. Souza reiterated the Public Information Officers were proactive and provided information such as the City being the first City in the nation to provide the community with a mobile fitness vehicle that ties together technology, reading and fitness and advised it was a wonderful opportunity to distribute City news.

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Sterling McElroy, owner of the Smokehouse Restaurant and Bar located at 1231 Van Ness , invited Councilmembers to the grand opening of the restaurant at 4:30 p.m. on Friday, March 9, 2007. Mr. McElroy stated the property was owned by the City of Fresno and the building had now been refurbished and thanked City staff for their assistance in making the restaurant a reality. Councilmember Sterling and President Perea congratulated Mr. Elroy for his hard work in opening the restaurant.

(9:05 A.M. “B) ESTABLISHMENT OF COUNCIL SUBCOMMITTEE FOR CITYWIDE STREET IMPACT FEES – COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated on January 23, 2007, Council discussed the Citywide street impact fees and a discussion occurred regarding creating a subcommittee to assist staff and stakeholders by working through the issues , noted a motion was not made to that affect and requested an update of the outstanding issues.

Interim Planning and Development Director Bergthold stated staff was close in obtaining the fees by land use, stake holders reviewed the draft numbers last week, stated the remaining issues to be addressed were dealing with some boundaries, UGM integration, double-dip re-fee issues, and policies for street improvements on adjacent properties. He responded to questions regarding the boundary issues and the double dip re-fee issue. Councilmember Westerlund questioned whether the stakeholders and staff were in conflict at this point with Mr. Bergthold stating some stakeholder accepted the numbers while others did not due to different land use interests and requested to return to Council next week after the Thursday meeting with a better understanding of the policy issues. Councilmember Westerlund concurred with continuing the issue one week and noted if staff did not think a subcommittee would help he did not see the need to proceed.

Councilmember Duncan stated he submitted a letter to not move forward with the establishment of the subcommittee, noted a statement made by Councilmember Westerlund regarding the subcommittee would violate the Brown Act and stressed that his comments did not make an accusation that the Brown Act was being violated but that we were making a perception to the public that all discussions were not open.

Councilmember Sterling stressed the important of including areas that were underdeveloped and making sure they had the same opportunity with the various developers. Continued to March 13, 2007.

(9:05 A.M. “C) COUNCIL DISCUSSION AND DIRECTION REGARDING THE ESTABLISHMENT OF A CITY OF FRESNO INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM – COUNCIL PRESIDENT PEREA

President Perea gave an overview of an Individual Development Account (IDA) Program, stated it was a tool for families to get out of the poverty level and move up the social economic level and stated over 39 states and cities across the nation have implemented IDA accounts. He stated the government had discussed decreasing poverty by raising minimum wage, but felt IDA focused on building assets because IDA was a matching program where every dollar saved, the City would match the dollar up to a certain point in order for the person to be able to purchase their new home, continue their education or start a business., adding it would provide an opportunity for other organizations such as banks and credit unions to also be a matching sponsor.

Mr. Savala, Refugee Services of the Equal Opportunity Commission (EOC) stated the EOC had operated an IDA since 1999, served a total of 500 families and briefly reviewed the key components of the program.

Councilmember Sterling stated she had met with Martha Lucy, Executive Vice President of By-Financial Solutions and reviewed a different perspective by addressing working with youth in the City who were in the foster care program, adding their goal was to work with them as young people and as adults they would be able to better understand how to deal with finances. Councilmember Sterling stated she would like to have a program in her area to work with youth and noted she was willing to support the above item.

Councilmember Westerlund requested staff do more research and report back because the program would be using taxpayer's money to put money into a person's savings account, and stated it was a good idea for a non-profit organization such as bank or credit union to get involved in such a program. Councilmember Dages stated the idea was innovative but felt the way to fight poverty was through education with Councilmember Duncan concurring, adding the City provided an active Down Payment Assistance Program, noted there were other programs funded by the Federal Government and felt the above program was redundant.

City Manager Souza responded to questions relating to the funding aspect and stated the funding source would begin the whole discussion of social service funding and there were several questions needing to be addressed.

President Perea responded, stated he did not see the program as giving money to families to start their savings account, stressed families who were worthy would have to earn the money and what the City matched would be an investment and the number of people served would be determined by how much the City was willing to commit to the program.

A motion by President Perea, seconded by Councilmember Sterling, to direct staff to return in 45 days with a report, structure and framework for the establishment of a City of Fresno Individual Development Account Program, failed adoption by the following vote:

Ayes :	Dages, Sterling, Perea
Noes :	Calhoun, Duncan, Westerlund
Absent :	Xiong

(9:05 A.M. "D") BILL NO. B-11 (INTRO. 1/23/2007 AND REINTRODUCED 1/30/2007) (FOR ADOPTION) – AMENDING SECTION 3-101 AND 3-505 REPEALING SUBSECTION (H) OF SECTION 3-105, AND REPEALING AND ADDING SECTION 3-109.1 OF THE FRESNO MUNICIPAL CODE, RELATING TO LOCAL PREFERENCE IN COMPETITIVE PROCUREMENT PROCESSES – COUNCILMEMBER DAGES

Councilmember Dages thanked Dr. Antonio Avelos and Dr. Edward Birdyshaw of Fresno State University, for their hard work on putting together the economic impact of the local preference ordinance and also thanked staff. Mr. Dages clarified the first page of his staff report should have been corrected to read "to cover the entire County of Fresno" instead of a 25-mile radius and apologized for not making the correction on the staff report. He continued and reviewed the memorandum, stressed adoption of the ordinance would keep the money, profits and employment locally. **(3-0)**, and Dages stated San Francisco had a local preference ordinance which was keeping their economy alive and people employed.

A motion to approve the above item was acted upon after discussion.

John Hudson stated when Save Mart Center was completed the local contractor donated \$500,000 to Fresno State University, noted that would not have happened if the contractor had not been local, and referenced money raised for the Marjorie Mason Center by local businesses. Mr. Hudson stated all the ordinance was saying was if you want to do business in Fresno, open an office in Fresno.

Councilmember Westerlund stated he had initially voted for the ordinance when it was introduced, advised of his concern after hearing from local contractors that this was not the kind of help they wanted, adding they felt it hurt them when they wanted to go to another City.

Councilmember Sterling stated it did not limit companies coming in or out of Fresno, stressed the importance of keeping business in Fresno and advised she was in support of the ordinance.

Councilmember Duncan stated he was also in support of the ordinance, but since the item was brought forth his office had received opposition from those who would supposedly benefit from the ordinance and expressed concern with other cities adopting the same type of ordinance because they could only do business in their own area, adding the 5% preference would not change in a rise for employment opportunities or business relocations.

Councilmember Calhoun stressed the importance of receiving as many bids as possible on every projects, felt the ordinance would make the process more difficult, stated the Chamber of Commerce supported the ordinance but by a very close vote of 7-6 which showed they were very split on the issue, and added he felt the City should continue with what exists.

President Perea stated he supported the ordinance and was concerned with the City being last to adopt a local preference ordinance

which would mean local contractors would not benefit. Councilmember Dages expressed his disappointment but wanted the vote to be on record and questioned whether he could bring back the issue with City Attorney Sanchez responding.

A motion by Councilmember Dages, seconded by Councilmember Sterling, to adopt Bill No. B-11 pertaining to local preference, failed adoption by the following vote:

Ayes : Dages, Sterling, Perea
Noes : Calhoun, Duncan, Westerlund
Absent : Xiong

RECESS - 10:26 A.M. - 10:34 A.M.

(10:30 A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-05-96, AND ENVIRONMENTAL FINDINGS, FILED BY NEW URBAN STRATEGIES LLC, ON BEHALF OF PROPERTY OWNERS ANDREW AND MARY BENITEZ AND WALLACE AND JANICE IHDE, TRUSTEES, PERTAINING TO 19.5± ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF WEST MCKINLEY AVENUE BETWEEN NORTH GRANTLAND AVENUE AND THE NORTH BRYAN AVENUE ALIGNMENT. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO FOR WHICH THE FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) IS THE RESPONSIBLE AGENCY (*PROPERTY LOCATED IN DISTRICT 3*) – PLANNING AND DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-05-96/T-5632, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL NO. B-20 - ORDINANCE NO. 2007-16 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE RR (*RURAL RESIDENTIAL, FRESNO COUNTY*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh advised the staff report as submitted was complete and there was no new information to add.

Vince DaMaggio, partner with New Urban Strategies, stated he was present to answer any questions Council may have.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Sterling welcomed the new company to the City and expressed her appreciation regarding the above project.

A motion to approved the above item was acted upon after discussion.

Councilmember Westerlund questioned why Tract 5632 and the agenda item dealing with Tract No. 5633 were not discussed together, questioned whether leap-frogging was involved with the property and also the annexation process by LAFCO. Planner Brock stated Tract No. 5632 did not have any Williamson Act contracts on it and consisted of two parcels and Tract No. 5633 had three parcels and three Williamson Act contracts on it and noted the traffic study was done together as well as the Environmental Impact Report. Ms. Brock stated a significant amount of other property would be required to be annexed along with the two tracts and the applicant was aware of the situation.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the finding for the above entitled Environmental Assessment No. R-05-096/Tract T-5632 hereby approved, and the above entitled Bill No. B-20 adopted as Ordinance No. 2007-16, subject to the condition of zoning incorporated in the Ordinance Bill, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes : None
Absent : Xiong

(10:40 A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-05-104, AND ENVIRONMENTAL FINDINGS, FILED BY NEW URBAN STRATEGIES LLC, ON BEHALF OF PROPERTY OWNERS GEORGE NAGATA TRUST, TRUSTEES CHARLES AND ELLEN PLANN, AND JEAN WAGENLEITNER, PERTAINING TO 106.3± ACRES OF PROPERTY LOCATED BETWEEN WEST MCKINLEY AND WEST OLIVE AVENUES ALONG THE NORTH BRYAN AVENUE ALIGNMENT. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO FOR WHICH THE FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) IS THE RESPONSIBLE AGENCY. AS PART OF THIS PROJECT, FRESNO COUNTY HAS TENTATIVELY APPROVED THE CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACTS (ALCC) NOS. 1298 AND 2956 AND PARTIAL CANCELLATION OF ALCC NO. 845 (**PROPERTY LOCATED IN DISTRICT 3**) – PLANNING AND DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-05-104/T-5633, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL NO. B-21– ORDINANCE NO. 2007-17 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE RR (*RURAL RESIDENTIAL, FRESNO COUNTY*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT; AND TO REZONE 7.5± ACRES OF THE SUBJECT PROPERTY FROM THE RR (*RURAL RESIDENTIAL, FRESNO COUNTY*) ZONE DISTRICT TO THE O/UGM (*OPEN SPACE/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT PURSUANT TO THE PUBLIC FACILITY/ NEIGHBORHOOD PARK LAND USE DESIGNATION PERTAINING TO A PORTION OF THE OVERALL SUBJECT PROPERTY

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Brock advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

A motion to approve the above issue was acted upon after brief discussion.

Councilmember Sterling thanked staff for the good work. Councilmember Westerlund questioned whether the developer would develop a park within the development with Ms. Brock stating the developer was working with the Parks Department to build two parks on the property.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding for the above entitled Environmental Assessment No. R-05-104/Tract T-5633 hereby approved, and the above entitled Bill No. B-21 adopted as Ordinance No. 2007-17, subject to the condition of zoning incorporated in the Ordinance Bill, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes : None
Absent : Xiong

(10:45 A.M. #1) HEARING TO CONSIDER THE 2007 WEED ABATEMENT PROGRAM

A. BILL NO. B-22 (FOR INTRODUCTION) – APPROVING THE 2007 WEED ABATEMENT PROGRAM

President Perea announced the time had arrived to consider the issue and opened the hearing. Housing Program Supervisor Miller gave a brief overview of the staff report, advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-22 introduced and laid over, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes : None
Absent : Xiong

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3/6/2007

(10:45 A.M. #2) HEARING TO CONSIDER REZONE APPLICATION NO. R-06-04, AND ENVIRONMENTAL FINDINGS, FILED BY FRESNO SUPREME, INC., PERTAINING TO APPROXIMATELY 35.5 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF NORTH PARKWAY DRIVE, SOUTH OF WEST HERNDON AVENUE. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO FOR WHICH THE FRESNO COUNTY LOCAL AGENCY

FORMATION COMMISSION (LAFCO) IS THE RESPONSIBLE AGENCY (**PROPERTY LOCATED IN DISTRICT 2**) – PLANNING AND DEVELOPMENT DEPARTMENT

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-06-04/T-5514, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN
2. **BILL NO. B-23 – ORDINANCE NO. 2007-18** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE RR (*RURAL RESIDENTIAL, FRESNO COUNTY*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT AND C-5/UGM (*GENERAL COMMERCIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Tom Lange, 5541 Columbia Drive North, Executive Director of Aquarium Aquarius, and developer of a public aquarium project approved by the Fresno County a year ago, stated his project was a neighbor of the above project and noted it was very helpful to the Parkway Drive North area because landscaping was being put in making it a nice parkway.

John Allen, representing Fresno Supreme, Inc., stated there were two issues during the Planning Commission hearing that had to be addressed which was a noise study and a traffic impact issue, noted both had been resolved and requested Council's approval.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun stated this project was important because of the location, stated he had been skeptical at first because of the noise and traffic issues but he was now satisfied with the project as the issues had been resolved, and noted this was a nice entry way to Fresno.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the finding for the above entitled Environmental Assessment No. R-06-04 dated January 16, 2007 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 hereby approved, and the above entitled Bill No. B-23 adoption as Ordinance No. 2007-18, subject to the conditions of zoning incorporated in the Ordinance Bill, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

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LUNCH RECESS - 10:58 A. M. - 2:00 P.M.

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(1-D) * APPROVE A COOPERATIVE AGREEMENT WITH THE SAN JOAQUIN VALLEY RAILROAD FOR THE REPAIR OF SIXTEEN (16) RAILROAD CROSSINGS WITHIN THE CITY OF FRESNO (*PROPERTY LOCATED IN COUNCIL DISTRICTS 3 AND 5*) – PUBLIC WORKS DEPARTMENT

1. RESOLUTION NO. 2007-86 - AUTHORIZE THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO SIGN THE AGREEMENT AND ALL RELATED DOCUMENTS ON BEHALF OF THE CITY OF FRESNO

Councilmember Westerlund stated this was a good project, thanked various staff involved and the San Joaquin Valley Railroad for their work and stated beginning March 12th work would begin re-doing the wood planking on 16 railroad crossings with four of the crossing near the Airport having concrete planking. Assistant Public Works Director Kirn stated he had heard on the radio this morning the project would be completed in one year and wanted to clarify that it would take three fiscal years to complete. **(4-0)** Mr. Kirn also noted staff was working with the Santa Fe Railroad Company to do some improvements and maintenance on their rail

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line and would work with them to install concrete planking at the crossing located on Divisadero. Councilmember Westerlund recommended checking into the crossing at Fresno Street with Mr. Kirn concurring.

A motion to approve the above item and acted upon after discussion.

Councilmember Dages stated most of the crossings were in District 3 and 5 and thanked staff for the hard work in making this project a reality, and requested permission to make the motion with concurrence of Councilmember Westerlund.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Cooperative Agreement with the San Joaquin Valley Railroad for the repair of sixteen (16) railroad crossings within the City hereby approved; the Public Works Director hereby authorized to sign the agreement and all related documents on behalf of the City of Fresno; and Resolution No. 2007-86 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(1-J) AMENDING THE FRESNO MUNICIPAL CODE REQUIRING THE INSTALLATION OF PHOTO LUMINESCENT EXIT PATH MARKING FOR BUILDINGS THREE (3) STORIES OR MORE – FIRE DEPARTMENT

1. RESOLUTION – CONSIDER AND ADOPT FINDINGS REGARDING LOCAL CLIMATIC, ECOLOGICAL OR TOPOGRAPHICAL CONDITIONS THAT SUPPORT AMENDING THE UNIFORM FIRE CODE AND UNIFORM BUILDING CODE TO REQUIRE THE INSTALLATION OF PHOTO-LUMINESCENT EXIT PATH MARKING FOR BUILDINGS WITH THREE (3) OR MORE STORIES

2. * BILL NO. B-13 (INTRO. 2/27/2007) (FOR ADOPTION) – AMENDING THE FRESNO MUNICIPAL CODE, REQUIRING THE INSTALLATION OF PHOTO-LUMINESCENT EXIT PATH MARKING FOR BUILDINGS THREE (3) STORIES OR MORE

Councilmember Duncan stated he supported the above item but pulled it for discussion because he was not comfortable with the item being on the consent calendar and wanted to make sure everyone understood the ordinance. He questioned if single family housing would be exempt and Deputy Fire Chief Donis stated it was never the intent to include single family housing or R-3 in the ordinance change. Councilmember Duncan questioned the photo-luminescent material with Ms. Donis stating the material was due to September 11, 2001 disaster where an interview was conducted with people who made it out of the trade center and those people said the luminescent lighting was a significant factor in getting out of the building.

A motion to approve the above item acted upon after discussion.

Mike Prandini, Building Industry Association (BIA) stated a multitude of single family home types such as condominiums and lofts in the Security Building might be affected by the ordinance and Ms. Donis stated R-1 construction included condominiums and apartments which were the main problems the Fire Department dealt with, and noted many multi-family dwellings were already installing the photo-luminescent lighting on their own. Ms. Donis stated if the unit fell under an R-1, zone and whether a condominium or an apartment that was three-stories or more and any new development would be affected and if the building was already in existence then the building would be retrofitted to the year 2012.

Councilmember Calhoun stressed the importance of not rushing and recommended all questions be answered prior to approval. He stated Mr. Prandini should have to opportunity to have a discussion with the Fire Department and subsequently withdrew his second to approve staff recommendation and the motion died due to a lack of a second.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above listed item continued one week, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(2:00 P.M. #2"A") STATUS REPORT ON THE IMPLEMENTATION OF THE 2025 GENERAL PLAN – PLANNING AND DEVELOPMENT DEPARTMENT

Planning Manager Unruh gave an extensive power point presentation covering the following: Smart growth and the Southeast Growth Area Specific Plan; Form -based zoning ordinance that would implement Smart Growth for Fresno; Urban unification; Housing Element and Affordable Housing Plan; new industrial park strategies; 2025 General Plan Master EIR; adaptive reuse and downtown development; downtown historic surveys - Uptown Arts area and Chinatown; Pinedale Neighborhood Plan; activity centers study; metro-rural loop that could possibly link most of the communities in Fresno County with Madera County, and green strategy

and implementation plan.

Councilmember Westerlund stated the City was approaching the 5-year mark of the 2025 General Plan and had made significant changes in the amount of growth that might necessitate looking into a CEQA process again with a full Environmental Impact Report. He stated the impact fees contemplated under the 2025 General Plan but not implemented at the time may not have a direct impact on how development grows but did have an impact indirectly and the need to look into the CEQA process. Councilmember Westerlund noted that 815.5 acres was the amount of acreage brought into the City with Mr. Unruh stating that was the total amount of acreage affected by plan amendments over the past four years and noted many of the plan amendments only involved 3, 4 or 5 acres.

Mr. Unruh responded to questions regarding the adaptive re-use program, business and industrial parks, and Blackstone beautification. Councilmember Duncan questioned what were the challenges for the next four years with Mr. Unruh responding. **(5-0)** Councilmember Duncan expressed concern with the street fees stating if set too low they would have a huge impact on the General Fund and the ability to use the environmental work that had been completed, City Attorney Sanchez stated the issue was mitigation and if there was only one source to fund the mitigation it could present a problem as to whether the City was complying with the mitigation requirements, noting there were a number of alternatives to mitigate which would provide a legal defense. Planning Manager Haro stated the Master EIR building block was based on very important assumptions of what the capacity was regarding all the public services the City offered to support the development and if the major street fee was completed then the EIR could be revisited to make sure it was doing what it was suppose to do.

President Perea questioned whether a similar presentation would be made to some community groups and Interim Planning and Development Director Berghold stated he was working with staff to obtain a date and location. No action taken.

(2:00 P.M. #2 (B) UPDATE REGARDING THE PROACTIVE ANNEXATION AND REZONE PROGRAM – PLANNING AND DEVELOPMENT DEPARTMENT

Planner Braun gave an extensive power point presentation covering the following: 1970's - 1980's was a Proactive Annexation Program vs. 1990's - 2006 being a Reactive Annexation Program; explained the need to return to the proactive program, stating most of the property annexed into the City from 1992 to the present was done in the northeast part of the community and most of that property was neat and clean parcels that developers developed and the City's annexation process was simple, noted today most of the land in the northeast was developed out and now the westside of the community has been pieced into small parcels making annexations more difficult. Mr. Braun reviewed pre-zoning applications and the key provisions of the City/County Memorandum of Understanding (MOU).

Project Manager Barnes reviewed the Proactive Annexation Program, discussed the Southeast Growth Area and working with Gallo Winery which owns 552 acres in the area; reviewed an ownership map of the area; County island annexations; annexation facts; Maple/ Dakota island annexation and the utility services; and an annexation overlay district where an ordinance would allow continuance of "rural lifestyle" on parcels that are annexed into the City.

Planning and Development Consultant Sorensen reviewed why additional parcels are required to be annexed and showed a map with irregular boundaries and squared off boundaries; reviewed the goal to eliminate or reduce the need for the Council to initiate future rezones by meeting with the County, City Staff, LAFCO and the developer to identify which parcels have to be included in the annexations and the requirement for the developer to pre-zone the additional parcels along with their own parcels; proactive industrial rezoning and Roeding Business Park Redevelopment Area, and presented illustrations of parcels within Roeding Business Park.

Speaking to the issue was Rick Valentine, representing the Local Agency Formation Commission, 912 E. Echo, who stated LAFCO supported the annexation program and noted it was a great opportunity to deal with land consisting of 150 acres or less.

Councilmember Duncan questioned why the reference to the County island map did not include the southwest corner of Willow and Nees and requested the map be redefined to include the area and also to include the area by Shepherd and Willow. Councilmember Duncan discussed the Fort Washington area and requested when staff look for areas of annexation to consider the public safety issues.

Councilmember Westerlund questioned the issue of water and sewer service to the County island and the fact that the County islands brought into the City did not have curbs, gutters, sidewalks and streetlights and recommended a type of Mello Roos be done for the property owners which could possibly extend the payment of the installation over a 30 year period. Councilmember Calhoun expressed his concern with the annexation of only 150 acres or less and stated the major issues needed to be addressed. Councilmember Dages expressed concern with the Gallo Winery land being contaminated, with Mr. Barnes stating Gallo was making an effort to resolve

the matter. Councilmember Dages discussed the economics of the installation of sewer lines on Huntington Boulevard , the need for a plan and revenue source and supported the City annexing small areas. No action taken.

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(2:00 P.M. "C") * APPROVE AGREEMENT FOR WORKERS' COMPENSATION SERVICE PROVIDER CONTRACT BETWEEN THE CITY OF FRESNO AND AMERICAN ALL RISK LOSS ADMINISTRATORS AND AUTHORIZE PERSONNEL SERVICES DIRECTOR TO EXECUTE AGREEMENT OF BEHALF OF THE CITY – PERSONNEL SERVICES DEPARTMENT

Personnel Services Director Bond reviewed the staff report and stated Council received a late report detailing four amendments to the agreement to include a revision of the termination clause of the contract, a 60-day clause where either party may cancel with or without cause, quarterly meetings to discuss concerns that may have arisen requested staff to update the City's webpage and would also hire a liaison within 45-days.

Speaking to the issue were: Jacky Parks , President of Fresno Police Officer's Association (FPOA) who stated he supported the four amendments to the agreement and reviewed a medical report of an employee who had difficulty going through the Worker's Compensation process . Also speaking to the issue were Ron Dupras, 994 N. Van Ness, and Neal Manha, 994 N. Van Ness, who expressed concern with the difficulty they went through after being injured on the job. Adam Raimer, Amalgamated Transit Union, stated many employees have had difficulty with the process and stated the importance of treating the employees fairly. Alex Corraera, Fresno City Employees' Association (FCEA), requested Council replace Section B to add the 60-day termination clause, stated American All Risk Loss Administrators (AARLA) had not attended two meetings the City Manager scheduled to discuss various issues, and reviewed an employee's history dealing with the entire Worker's Compensation process.

Steve Wigit, President of AARLA, stated he was not been invited to the two meetings referenced earlier AARLA had replaced an adjuster who had difficulty in communicating with employees, adding they continue to work with staff to deal with issues that arise. Mr. Wigit stated in the past City staff scheduled meetings with AARLA and the bargaining units and advised of the difficulty of a person going through a complex and legal process for workers compensation and stated the process should not be confused with the performance of AARLA. Also speaking was Jerry Smith, Fresno Firefighters Local 753, who discussed firefighters having difficulty with the process how the bargaining unit needed to get involved to assist in resolving issues, adding the ones who should be involved were the City of Fresno and AARLA in assisting the employee in returning to work.

Councilmember Sterling stated Mr. Wigit should meet with City staff and members of bargaining units and provide a list of people having problems, expressed concern with the way people are treated, stating some employees have had issues for over two years. Ms. Sterling noted AARLA was the lower bidder and should be glad to service Fresno and not treat the employees in such a manner, requested being included in the meetings and a list of all the injured employees and how they were being treated. Ms. Sterling questioned the additional cost of \$40,000 with response by Ms. Bond.

Councilmember Duncan discussed quarterly meetings, stated and noted the employee's experiences were the responsibility of the City and AARLA , and questioned employee satisfaction with Ms. Bond stating the City did contact vendors references of vendors where similar situations have occurred and elaborated. **(7-0)** Councilmember Duncan stated the City had contracted with AARLA for three years, expressed concern with Personnel Department not being aware of the on-going problems some employees have had, and emphasized the importance of customer satisfaction . He noted he was willing to look at other firms to provide the service.

City Attorney Sanchez stated under the City Charter the Council's consideration must be at a legislation policy level and those individual cases that were presented earlier could only be used as a level of concern. City Manager Souza stated Workers Compensation was a tough situation , noted over 800 cases are processed per year and advised the main issue was communication. He stated the inclusion of the 60-day termination clause and quarterly meetings was very important. Brief discussion ensued regarding the number of claims filed.

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Senior Risk Analyst Connelly reviewed the process of an employee selecting a personal physician , stated the City had a panel of medical providers and noted the AARLA was in a difficult position because they had to provide needed service to the City for Workers Compensation claims and also provide quality service to the injured employee.

A motion to approve the above item as amended was acted upon after discussion.

President Perea stated he was prepared to vote against the renewal of the AARLA agreement due to hearing about the way AARLA was providing very unsatisfactory service to City employees but stated he would support the motion because it was a compromised solution between the City and the bargaining units. Headvised he was prepared at anytime to terminate the contract if AARLA did not meet the needs of the City employees who were injured on the job.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the agreement between the City of Fresno and American All Risk Loss Administrators as amended to include: "In addition to City's termination rights under subsection "A", the Agreement may be terminated by either party upon 60 calendar days' prior written notice with or without cause, quarterly meetings to include the City, AARLA, and employee organizations, with minutes of these meetings provided to the Mayor, Council and City Manager's Office; the City's webpage to be updated similar to the Fresno Police Officers' Association (FPOA) website to provide more detailed information to worker compensation procedures, benefits, etc.; and the City will hire a person(s) who will act as a liaison to assist employees who have questions or concerns with the workers' compensation process" hereby approved, and the Personnel Services Director hereby authorized to execute agreement on behalf of the City of Fresno, by the following vote:

Ayes : Calhoun, Dages, Westerlund, Perea
Noes : Duncan, Sterling
Absent : Xiong

(3:00 P.M.) LEADERSHIP FRESNO CLASS XXIII EARTH DAY PRESENTATION – COUNCIL PRESIDENT PEREA

Jackie Grazier, representing Leadership Fresno Class XXIII, reviewed the history of the program and stated the program dealt with ways to build a better community and they selected Earth Day as one of their projects. Ms. Grazier reviewed what had been planned along with the sponsors for the event and invited Council to attend the event on Saturday, April 28, 2007, at Eaton Plaza.

Ms. Grazier read their mission statement and reviewed the events that would take place in the future. President Perea thanked the organization for their presentation and stressed the importance of the event, and encouraged Council's support.

(2:00 P.M. "D") RESOLUTION – ADOPTING HOLISTIC LIFELINE MEASURES AS A FORM OF UTILITY RATE ASSISTANCE PUBLIC UTILITIES DEPARTMENT

Assistant Public Work Director Ruiz gave an overview of the three programs included in the resolution and stated the food bank program had been eliminated.

Councilmember Sterling stated she had supported the utility rate increase, stressed the importance of providing a lifeline and expressed concern with the disabled and lower income people not being included in receiving the discount. She stated the community garden was a good idea but questioned how the utility bill would be paid.

A motion to create a lifeline to include low income, disabled and senior citizens was acted upon after discussion.

(8-0) Councilmember Dages stated the programs presented today were already in place, noting a senior citizen discount was already in place, the home weatherization program was fine but did not help pay the bill, expressed concern with the community gardens stating the Hmong community had been doing the gardens for awhile and the City also had a community garden program several years ago near Fulton and Divisadero and another one in Southeast Fresno, and expressed disappointment because the above resolution did not provide new ideas.

City Manager Souza advised of the difficulty in identifying a nexus to measure between income level and the amount of service used and noted he would be happy to provide Council will information for a lifeline using General Fund money.

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Councilmember Calhoun stated the motion meant customers would receive a refund check on an annual basis and if the person was a senior citizen who was not required to show income status they would receive another discount, stated the idea was not thought through and stressed even after the utility rate increase, the City residents were still receiving a good deal.

Councilmember Westerlund expressed concern that the above motion was not legal, reiterated citizens have been receiving a good deal and questioned whether there was a nexus study supporting the existing rates with Mr. Sanchez responding. Councilmember Duncan

expressed concern with the use of the General Fund for the annual rebate and stated this would fall into the category of CDBG funding. He recommended discussing the matter when the new Council budget committee was appointed and at that time discuss the allocation of CDBG funds for direct or indirect support.

Councilmember Dages questioned amending the City Charter by placing the lifeline measure on the election ballot to ask the voters if they wanted to create a lifeline with Mr. Sanchez explaining the process. Mr. Souza stated what was brought before the Council today was requested last November and noted staff would continue to look for other ways to provide minimization of rate increases.

Councilmember Westerlund stated he was still interested in staff exploring new ideas to offset the rate increase, stated providing a lifeline and using CDBG would affect other areas of the budget, and advised he would not support the motion on the floor. Discussion ensued regarding what would be given up in order to move forward with the lifeline and the lack of information as to the cost of the rebates. Mr. Souza reviewed some figures with a framework of 30,000 families involved and stated to have a meaningful discount the funding would be approximately \$ 2 - 5 million per year. President Perea advised he had received testimonials from senior citizens in District 7 and what it meant to the seniors to have this rate increase.

A motion of Councilmember Sterling, seconded by President Perea, to direct staff to return to Council on March 20, 2007, with a lifeline regarding utilities rate increase which would assist low income, disabled and senior citizens based on a one-year rebate for those residential customers who had resided and received service at the same address for the past twelve months failed approval, by the following vote:

Ayes :	Dages, Sterling, Perea
Noes :	Calhoun, Duncan, Westerlund
Absent :	Xiong

A motion of Councilmember Duncan, seconded by Councilmember Westerlund, to adopt the above entitled resolution failed, by the following vote:

Ayes :	Calhoun, Duncan, Westerlund
Noes :	Dages, Sterling, Perea
Absent :	Xiong

Mr. Souza reiterated that staff will continue to move forward to find other ways and opportunities to offset the rate increase.

(2:00 P.M. "E") * BILL NO. B- 14 - ORDINANCE NO. 2007-19 (INTRO. 2/27/2007) (FOR ADOPTION) – RELATING TO THE REPEAL OF NUMEROUS SECTIONS AND ARTICLES OF THE FRESNO MUNICIPAL CODE, RELATING TO UNNECESSARY, DUPLICATIVE AND OUTDATED PROVISIONS – CITY ATTORNEY’S OFFICE

City Attorney Sanchez gave a brief overview of the staff report and stated he would return to Council within 60 days with a draft of the restructuring of the Code.

Councilmember Duncan thanked staff, stated he was on the Council five years ago when this subject was brought up, and 4 years ago deleted 36 obsolete ordinances and added he was looking forward to removing another 25 that would assist in streamlining the code.

Councilmember Calhoun questioned Chapter 2, Article 30, relating to the Fresno Memorial Auditorium and Community Theater and stated for the record it was a City facility and the City had full control over the building. Deputy City Attorney Phelan responded to questions pertaining to Municipal Mortgage funds which the City no longer used and also questions regarding the section dealing with trespassing upon school grounds and abandoning domestic animals being removed from the Code due to being a duplication.

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On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Bill No. B-14 adopted as Ordinance No. 2007-19 hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes :	None
Absent :	Xiong

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:00 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the _____ day of _____, 2007.

Henry T. Perea, Council President

ATTEST: _____
Cindy Bruer, Deputy City Clerk